

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Chaves	Team: Squad #10	CCRB Case #: 201806613	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/09/2017 1:45 PM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 2/9/2019	EO SOL 2/9/2019	
Date/Time CV Reported Fri, 08/10/2018 6:38 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 08/10/2018 6:38 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM William Meems	02992	944802	120 PCT
2. DTS Gregory Smith	970	939487	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Gregory Smith	Abuse: Detective Gregory Smith forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM William Meems	Abuse: Police Officer William Meems forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C.DTS Gregory Smith	Abuse: Detective Gregory Smith searched § 87(2)(b)'s recording device.	§ 87(2)(b)
D.POM William Meems	Abuse: Police Officer William Meems searched § 87(2)(b)'s recording device.	§ 87(2)(b)

Case Summary

On August 10, 2018, § 87(2)(b) appeared in person at the CCRB and filed the following complaint.

At approximately 1:45 p.m. on August 9, 2017, police officers and medical staff approached § 87(2)(b) while she was standing in front of § 87(2)(b) in Staten Island. § 87(2)(b) was already known to the NYPD as being involved in a longstanding neighborhood dispute and receiving psychological treatment from § 87(2)(b). Detective Gregory Smith of the 120th Precinct had previously coordinated with the § 87(2)(b) mobile crisis team regarding § 87(2)(b)'s care and condition.

On the incident date, members of the mobile crisis team planned to meet with Detective Smith and his partner, Police Officer William Meems of the 120th Precinct, at § 87(2)(b)'s home, located a few blocks away from the incident location. However, as Detective Smith and Police Officer Meems drove towards § 87(2)(b)'s home, they observed her standing on the sidewalk of Victory Boulevard. The officers notified the mobile crisis team of § 87(2)(b)'s location and then approached her.

A few minutes later the mobile crisis workers arrived and evaluated § 87(2)(b). They determined that she required further evaluation at § 87(2)(b) and asked that the officers request an ambulance. The ambulance arrived, and § 87(2)(b) was handcuffed and escorted into it (**Allegation A: Abuse of Authority: Forcible Removal to Hospital:**

§ 87(2)(g) **Allegation B: Abuse of Authority: Forcible Removal to Hospital:**

§ 87(2)(g)

While § 87(2)(b) was inside of the ambulance, an officer allegedly took her tablet from her. Both officers then allegedly looked through the tablet to see what type of photos § 87(2)(b) had stored on it (**Allegation C: Abuse of Authority: Search of Electronic Device:** § 87(2)(g) **Allegation D: Abuse of Authority: Search of Electronic Device:** § 87(2)(g)

The investigation obtained no video footage of this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Detective Gregory Smith forcibly removed § 87(2)(b) to the hospital.

Allegation B – Abuse of Authority: Police Officer William Meems forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) was interviewed on August 13, 2018 (**Board Review 01**). Detective Smith was interviewed on January 3, 2019 (**Board Review 02**). Police Officer Meems was interviewed on January 3, 2019 (**Board Review 03**).

It is undisputed that prior to this incident § 87(2)(b) was involved in a set of longstanding disputes with her neighbors. At approximately 1:45 p.m. on August 9, 2017, § 87(2)(b) was standing in front of § 87(2)(b) when she was approached by Detective Smith and Police Officer Meems. After § 87(2)(b) spoke to the officers, an ambulance arrived. § 87(2)(b) was transported to § 87(2)(b) for psychological evaluation and treatment.

In her sworn statement, § 87(2)(b) struggled to recall specific details of this incident, including the date and time. She recalled walking from her house to a bus stop next to the incident address. As she was waiting for the bus, she saw a marked NYPD van parked across Victory Boulevard from her. Detective Smith and Police Officer Meems, got out of the van, crossed Victory Boulevard, and approached § 87(2)(b). The officers told her they were going to take her to the hospital because she did not keep an appointment. § 87(2)(b) said that she did not have an appointment. The officers then said that she was not taking her medication, and § 87(2)(b) said that she did not take medication. The officers then said that they were following up about a 911 call that was made two days earlier, and that they were calling an ambulance.

§ 87(2)(b) alleged that the 911 call was made by § 87(2)(b) § 87(2)(b) and is involved in the ongoing neighborhood disputes. § 87(2)(b) alleged that § 87(2)(b) called 911 to have her removed to the hospital as part of these disputes. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) could not recall how long she spoke to the officers before an ambulance arrived, but estimated that it was between 15 and 30 minutes. During this time, no other police officers or medical workers arrived on scene. An ambulance eventually arrived, and one of the officers told § 87(2)(b) to get in before they handcuffed her. § 87(2)(b) could not recall which officer said this, or whether she was handcuffed during this incident.

In his interview, Detective Smith stated that prior to this incident, § 87(2)(b) was well known to 120th Precinct officers as the filer and subject of numerous complaints. Detective Smith, who is regularly assigned as the neighborhood coordinating officer (NCO) for the sector of the 120th Precinct where this incident occurred, had previously coordinated with § 87(2)(b), the § 87(2)(b) mobile crisis case worker assigned to § 87(2)(b). This incident was specifically precipitated by the case worker's request that Detective Smith accompany the mobile crisis team during a wellness check that they intended to conduct at § 87(2)(b)'s house. The officers were not motivated to visit § 87(2)(b) by any specific incident or 911 call occurring on the incident date.

As they were driving towards § 87(2)(b)'s house, the officers saw her standing outside. Detective Smith contacted the mobile crisis team who said they would meet the officers and § 87(2)(b) at the incident location. The officers then approached § 87(2)(b) and spoke to her for a few minutes about her general health and wellness before the

Allegation C – Abuse of Authority: Detective Gregory Smith searched § 87(2)(b) s recording device.

In her sworn statement, § 87(2)(b) stated that she got into the ambulance under her own power. Once inside of the ambulance, an officer took her tablet from her. She did not give the officer permission to take the tablet or look at it. An officer said that § 87(2)(b) was “always taking pictures” and asked if she was taking pictures of them. The officers then looked through her tablet’s contents and made comments about how she had a lot of pictures of houses. The EMT also looked at the tablet. § 87(2)(b) told the officers and EMT that they had no business looking through her tablet.

In his interview, Police Officer Meems stated that § 87(2)(b) was carrying a bag during this incident, and that she took this bag and its contents with her to the hospital. Her property was not confiscated or vouchered as she was not under arrest. Officers did not ever take a tablet or other electronic device from her possession. Officers did not accuse § 87(2)(b) of surveilling or recording her neighbors, or go through any files on her tablet.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to 10 prior CCRB complaints and has been named as a victim in twenty prior allegations (**Board Review 07**).

○ § 87(2)(b)

- Detective Smith has been a member of service for thirteen years and this is the first CCRB complaint to which he has been a subject.
- Police Officer Meems has been a member of service for 11 years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- A request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Officer, and the results will be added to the case file upon receipt.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 10

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date